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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,635	07/01/2003	Koichi Takahashi	12577/17	8522
23838	7590	05/26/2005	EXAMINER	
KENYON & KENYON 1 BROADWAY NEW YORK, NY 10004			VALENTIN, JUAN D	
			ART UNIT	PAPER NUMBER

2877

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/609,635

Applicant(s)

TAKAHASHI ET AL.

Examiner

Juan D. Valentin II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-88 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-88 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1: Figs. 2A and 2B are views showing schematically an example of the deflection angle detecting device and a modified example, respectively, in a first embodiment of the pre-sent invention.

Species 2: Fig. 8 is a view showing schematically the deflection angle detecting device in a second embodiment of the present invention.

Species 3: Fig. 10 is a view showing schematically the deflection angle detecting device in a third embodiment of the present invention.

Species 4: Fig. 11 is a view showing schematically the deflection angle detecting device in a fourth embodiment of the present invention.

Species 5: Figs. 12A, 12B, and 12C are views showing schematically constructions where the mirror of the deflection angle detecting device is variously rotated in a fifth embodiment of the present invention.

Species 6: Figs. 13A, 13B, and 13C are views showing schematically constructions where the mirror of the deflection angle detecting device is variously rotated in a sixth embodiment of the present invention.

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Species 7: Figs. 14A, 14B, and 14C are views showing schematically constructions where the mirror of the deflection angle detecting device is variously rotated in a seventh embodiment of the present invention.

Species 8: Figs. 15A, 15B, and 15C are views showing schematically constructions where the mirror of the deflection angle detecting device is variously rotated in an eighth embodiment of the present invention.

Species 9: Figs. 16A, 16B, and 16C are view showing schematically constructions where the mirror of the deflection angle detecting device is variously rotated in a ninth embodiment of the present invention.

Species 10: Figs. 17A, 17B, and 17C arc views showing schematically constructions where the mirror of the deflection angle detecting device is variously rotated in 4 tenth embodiment of the present invention.

Species 11: Figs. 18A, 18B, and 18C are views showing schematically constructions where the mirror of the deflection angle detecting device is variously rotated in an eleventh embodiment of the present invention.

Species 12: Figs. 19A, 19B, and 19C are views showing schematically constructions where the mirror of the deflection angle detecting device is variously rotated in a twelfth embodiment of the present invention.

Species 13: Figs. 20A, 20B, and 20C are views showing schematically constructions where the mirror of the deflection angle detecting device is variously rotated in a thirteenth embodiment of the present invention.

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Species 14: Figs. 21A, 21B, and 21C are views showing schematically constructions where the mirror of the deflection angle detecting device is variously rotated in a fourteenth embodiment of the present invention.

Species 15: Figs. 22A, 22B, and 22C are views showing schematically constructions where the mirror of the deflection angle detecting device is variously rotated in a fifteenth embodiment of the present invention.

Species 16: Figs. 23A, 23B, and 23C are views showing schematically constructions where the mirror of the deflection angle detecting device is variously rotated in a sixteenth embodiment of the present invention.

Species 17: Figs. 24A, 24B, and 24C are views showing schematically constructions where the mirror of the deflection angle detecting device is variously rotated in a seventeenth embodiment of the present invention.

Species 18: Figs. 25A, 25B, and 25C are views showing schematically constructions where the mirror of the deflection angle detecting device is variously rotated in an eighteenth embodiment of the present invention.

Species 19: Figs. 26A, 26B, and 26C are views showing schematically constructions where the mirror of the deflection angle detecting device is variously rotated in a nineteenth embodiment of the present invention.

Species 20: Figs. 27-29 are views showing schematically the deflection angle detecting device in a state where the rotation angle of the mirror is 0, -10, & 10 degrees, respectively in a twentieth embodiment of the present invention.

Species 21: Fig 30 is a view showing schematically the deflection angle detecting device in a twenty-first embodiment of the present invention.

Species 22: Fig 31 is a view showing schematically the deflection angle detecting device in a twenty-second embodiment of the present invention.

Species 23: Fig 32 is a view showing schematically the deflection angle detecting device in a twenty third embodiment of the present invention.

Species 24: Fig 33 is a view showing schematically the deflection angle detecting device in a twenty fourth embodiment of the present invention.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 43, 83, 84, & 85 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to

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be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

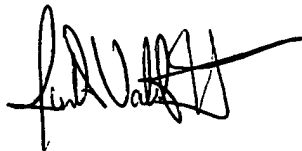
2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan D. Valentin II whose telephone number is (571) 272-2433. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

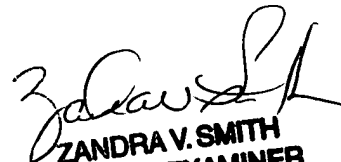


Juan D Valentin II

Examiner 2877

JDV

May 23, 2005



**ZANDRA V. SMITH**  
**PRIMARY EXAMINER**